



**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**TESTIMONY OF CHIEF STATE'S ATTORNEY CHRISTOPHER L. MORANO**

**IN SUPPORT OF:**

**H.B. NO. 5813 (RAISED) AN ACT CONCERNING  
VICTIMS OF CRIME**

**IN OPPOSITION TO:**

**H.B. NO. 5799 (RAISED) AN ACT CONCERNING  
CRIME VICTIMS AND THE VICTIM ADVOCATE**

**JOINT COMMITTEE ON JUDICIARY  
MARCH 20, 2006**

The Division of Criminal Justice respectfully requests the Committee's Joint Favorable Report for H.B. No. 5813. This bill was presented to the Judiciary Committee as part of the Division's legislative package for the 2006 Regular Session.

There are two purposes to this bill. The first, incorporated in Sections 1 through 3, is designed to protect victims of crime from harassment by their assailant. These proposals are the result of a case where a woman who was sexually assaulted by her ex-husband was subsequently sued by the man and forced to testify in civil proceedings where he acted as his own attorney.

This woman was victimized again and again through these civil actions brought by the individual who was convicted of sexually assaulting her. While the Division of Criminal Justice is fully cognizant of the rights of an individual to bring an action in court, we also believe that the judicial system should not be used to perpetuate injustice, as occurred in this case.

Specifically, Section 1 of the bill amends the confidentiality program operated through the Office of the Secretary of the State. The goal here is to prevent an individual from using the court system and the filing of lawsuits as a means of learning the home address of a victim. Sections 2 and 3 of the bill are designed to prevent an individual from using the courts to harass a victim, as was the case in the matter referenced above.

Section 4 of the bill deals with the notification of victims of crime of court proceedings. This section would establish a task force chaired by the Chief State's Attorney and the Victim Advocate to examine the processes now utilized and to recommend a comprehensive system for notification of victims.

We believe a comprehensive study is in order and would be preferable to the system proposed in H.B. No. 5799. For this reason, and others, the Division of Criminal Justice must oppose H.B. No. 5799. The system envisioned in that bill would require substantial additional expenditures by the Division of Criminal Justice. These expenditures are not included in either the existing budget nor the Governor's Mid-Term Budget Adjustments. Further, it has come to our attention that the notification provisions of H.B. No. 5799 were proposed in response to a single case in the Judicial District of Windham. The lack of notification was a mistake that has been corrected. The proper way to move forward to assure that such mistakes do not occur in the future is by looking at the whole system, as the study we are recommending would do.

Finally, we have concerns with Sections 5 and 2 of H.B. No. 5799. Section 5 of this bill would give the Victim Advocate authority to seek appellate relief on behalf of a victim. This was discussed by the Victim Advocate's Advisory Committee, which opposes the idea. We do not believe the bill has been fully thought out at this point and that its enactment would raise a host of procedural as well as constitutional issues. Section 2 of the bill would give the Victim Advocate subpoena power. It is unclear as to the location and nature of the proceedings to which individuals or documents could be subpoenaed. We are also concerned about the potential for the dissemination of documents in a criminal case, which could compromise the integrity of the investigation and prosecution and potentially the safety of victims. Again, the bill has not been thought out to the point where we believe it warrants consideration by the Committee.

The Division of Criminal Justice recommends a Joint Favorable Report for H.B. No. 5813, and would respectfully recommend that the Committee take no action on H.B. No. 5799.

Thank you.